

REMARKS/ARGUMENTS

The Examiner is thanked for the Notice of Non-Compliant Amendment dated September 13, 2004. This substitute amendment and request for reconsideration is intended to be fully responsive thereto.

The Examiner is thanked for the Official Action dated December 1, 2004. The Examiner is also thanked for the personal interview of February 10, 2005. This amendment and request for reconsideration is intended to be fully responsive thereto.

The specification was objected to as failing to provide proper antecedent basis for the subject matter recited in claim 31, specifically the recitation of "a heat dissipating fin adjacent said second circulation element".

As discussed during the personal interview of the Applicant's representative, Mr. George Ayvazov, with the Examiner L. Ciric, the antecedent basis for the heat dissipating fin adjacent the first circulation element could be found on page 9, lines 3-10 of the specification that describes an element 4 for exchanging and interfacing with air formed from thin corrugated foil, or what is generally known in the art as the heat dissipating fin. The heat dissipating fin (element 4) is also clearly shown in Fig. 1a as adjacent to the first circulation element (3₁ and 3₂). Moreover, according to tentative agreement reached during the personal interview of February 10, 2005, the specification has been amended as recommended by the Examiner to overcome this objection.

Claim 20 was objected to because of the minor informalities. Claim 20 has been amended according to tentative agreement reached during the personal interview of February 10, 2005 as suggested by the Examiner. No new matter has been added.

Claims 10, 22 and 23 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection was also discussed during the personal interview of February 10, 2005. In order to expedite the prosecution of the present application claims 10 and 22 have amended according to tentative agreement reached during the personal interview regarding changes necessary to overcome these rejections. No new matter has been added.

Claims 1, 2, 7, 18, 20, 21, 30 and 31 were rejected under 35 USC 102 (b) as being anticipated by Wolf (USP 5,080,167). Applicant respectfully disagrees.

As argued during the personal interview with the Examiner, the Wolf reference cannot reasonably be interpreted to read on rejected claim 1 due to the limitations relating to the at least one first circulation element at least partially circumscribing the at least one second circulation element as currently recited in the claim. More specifically, we believe that the Examiner erroneously interpreted a radiator inlet tank 20 of the combination radiator and condenser apparatus 10 of Wolf as at least one first circulation element carrying the heat-carrying fluid and the whole condenser section 30 as at least one second circulation element carrying the refrigerant fluid.

Examiner Ciric disagreed and countered that Wolf was readable on claim 1 as written given the requirement to broadly interpret pending claims. While agreeing with Examiner that the pending claims must be given their broadest reasonable interpretation consistent with the specification, we trust that that the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach, as stated in MPEP § 2111. We stressed that those skilled in the art would not possibly interpret the radiator inlet tank 20 of Wolf as the circulation element carrying the heat-carrying fluid, and the whole condenser

section 30 of Wolf as circulation element carrying the refrigerant fluid.

However, in order to expedite the prosecution of the present application, the applicant's representative proposed adding limitations to claim 1 relating to the first and the second circulation elements being parallel to each other. Examiner Ciric insisted that claim 1 had to be amended to recite the longitudinal axes of the first and the second circulation elements as being parallel to each other to clearly define the present invention over Wolf. Moreover, the Examiner noted that the term "wherein" should also be removed from claims 1, 2, and 7 in order to ensure that claim 1 clearly overcomes the Wolf reference.

Thus, in order to expedite the prosecution of the present application, claim 1 has been amended according to the Examiner's recommendations to recite longitudinal axes of the circulation elements as being parallel. No new matter has been added.

Wolf fails to disclose the main fluid-carrying heat exchanger wherein the first longitudinal axis of the first circulation element is substantially parallel to the second longitudinal axis of the second circulation element, and wherein the first circulation element at least partially circumscribes the second circulation element. Therefore, the rejection of claims 1, 2, 7, 18, 20, 21, 30 and 31 under 35 USC 102 (b) is improper, as Wolf does not meet the standard of anticipation.

Claims 2 and 7 have been further amended to remove the term "wherein" as recommended by the Examiner. No new matter has been added.

Claims 8, 9, 10 (as the rejection of claim 10 under 35 U.S.C. 112, second paragraph, has been overcome by the claim amendment), 17 and 19 were indicated as allowable if rewritten in independent form. As argued above, claim 1, the base claim for claims 8-10, 17 and 19, defines the present invention over the prior art of record. Hence, claims 8-10, 17 and 19 are believed to


In re ELLIOT, et al.
Appl. No. 09/614,586
Reply to Notice of Non-Compliant Amendment of June 2, 2005

be in condition for allowance.

Furthermore, new claims 32-35 have been added. Claim 32 corresponds to allowable claim 8 rewritten in independent form including all the limitations of the base claim 1, while claims 33 and 34 are similar to claims 9 and 10, respectively. Likewise, claim 35 corresponds allowable claim 17 rewritten in independent form including all the limitations of the base claim 1.

It is respectfully submitted that claims 1, 2, 7-10, 17-23, 30 and 31, and new claims 32-35 are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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